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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,983	07/23/2003	Chiu-Hao Cheng	USDP2183A-CCH	9092
30265	7590	08/04/2006	EXAMINER	
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			KARKHANIS, AASHISH	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,983

Applicant(s)

CHENG, CHIU-HAO

Examiner

Aashish Karkhanis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1 – 10 are rejected on the ground of nonstatutory double patenting over claims 1 – 2 of U. S. Patent No. 6,616,534 B2 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Both applications claim subject matter related specifically and only to a button control interface using a conducting gel/jell coupled with a variable resistor. U.S. Patent 6,616,534 B2 discloses and claims substantially identical

subject matter with relation to a button interface using conducting gel, as is claimed in the present application.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tremmel (U.S. Patent 5,632,679).

Regarding Claims 1 – 2 and 6 – 7, Tremmel discloses a button control for use in game control consoles including a casing of the game control console, a printed circuit board within said casing and a button installed within said casing but can be controlled from without said casing (col. 3, lins. 41 – 47), and a movable body responsive to said button can be displaced in the same axis linearly, and such linear displacement can enable an electrical device such that analog signal output correlating to said displacement is produced (col. 3, lins. 57 – 62; where buttons controls are depressed on contact points in the same axis as a controller's axis), wherein said moving body is a conductor, said electrical device comprise of a pair of electrical resistors connected to

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the printed circuit board; and said conductor is in contact with both resistors and can move between them (col. 3, lins. 51 – 54; where a finger is a moving member that forms part of a controller to close a circuit between two conducting contact points and engage a button).

Regarding Claims 3 – 5 and 8 – 9, Tremmel discloses a button control for use in game control consoles wherein said moving body is a card with apertures (col. 3, lins. 41 – 54; where a moving member including a player finger and a card including a surface where electrical conductors forming apertures are mounted combine to form a single object which can engage a button), said electrical device comprises of a emitter and receiver, set apart and facing each other on the printed circuit board, and said card can move between said emitter and receiver (col. 3, lins. 51 – 54; where a finger is a member that forms part of a controller to close a circuit between two conducting contact points and engage a button), wherein said moving body is a conducting jell (col. 3, lins. 51 – 54; where a conducting gel includes a player finger that inherently possesses semiconducting properties as is disclosed by Tremmel in order to complete an electrical circuit and engage a game controller button which are similar to semiconducting properties of conducting gel as disclosed by applicant), said electrical device is a plurality of conducting tracks on the printed circuit board (col. 3, lin. 45, where a number of buttons are provided and require a plurality of conducting tracks for proper operation), and the displacement of said conducting jell results in varying the area of contact between the jell and the tracks (col. 3, lins. 51 – 54; col. 5, lins. 44 – 49; where a connection made by a finger will vary the distance between tracks, as well as the area

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of a finger used to engage a button itself may change depending on how hard a player may press to engage a button), said electrical device comprises of carbon ink on the printed circuit board, and the displacement of said conducting jell results in varying the contact area with the carbon ink (col. 2, lins. 55 – 60; where circuitry as disclosed by Tremmel may inherently be composed of carbon ink tracing as is well known and established in the art).

Regarding Claim 10, Tremmel discloses a button control for use in game control consoles including a casing of the game control console, a printed circuit board within said casing and a button installed within said casing but can be controlled from without said casing (col. 3, lins. 41 – 47), said printed circuit board has emitter and receiver relative to the bottom surface of said button and light emitted from the emitter is reflected off said bottom surface and received by the receiver (col. 4, lins. 4 – 5; where a light-emitting diode lights during controller operation), and as said button is displaced linearly, the distance to the emitter and receiver changes and varies the analog signal output (col. 3, lins. 51 – 54; col. 5, lins. 44 – 49; where a connection made by a finger will vary the distance between tracks, as well as the area of a finger used to engage a button itself may change depending on how hard a player may press to engage a button, and where an amplifier may be used to change sensitivity of the circuit and modify the generated analog signal).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,593,350: Game controller with variable resistance.

U.S. Patent 5,624,117: Game controller with variable resistance.

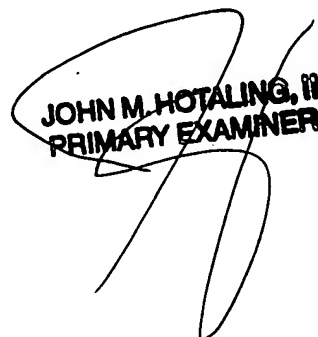
U.S. Patent 5,632,680: Game controller with variable resistance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK


JOHN M. HOTALING, II
PRIMARY EXAMINER